

EXHIBIT D

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS
CDC 128G (Rev. 12/91)

NO: D-16530

NAME: SHAMBURGER, Harold

D10-205

Custody: MAX S

CS: 125 (IV)

D1/D EFF 6/7/89

Assignment: SHU/INDET

RelDate: MEPD 1/12/99

Reclass: 6/2002

Action: RETAIN SHU/INDET; REFER CSR RX PBSP SHU

SUB #1 11/2001

Inmate Shamburger refused to appear before PBSP FAC-D ICC on this date for Annual/114D Review. No staff assistant was assigned as S is not illiterate, speaks English, can comprehend the issues, and is free of mental health services needs. An investigative employee was not required. Prior to Committee, S was issued an updated copy of his CDC 114D dated 12/5/01, and the CDC 812A, Notice of Critical Case Information - Prison Gang Identification, updated by IGI on 12/3/01. Committee notes a CDC 128-B2 dated 8/26/95, citing 10 documents which meet prison gang validation requirements. Because S is affiliated with a prison gang, and such gangs are known to be involved in criminal activities which threaten the safety of others and institution security, it is required to continue to segregate him from the GP. S is informed, via this chrono, that the Departmentally recognized avenues for release from SHU are through the debriefing process or through being determined to be an inactive prison gang member or associate as delineated in CCR, Title 15, sections 3378(e) and 3341.5(c)(4) and (5). 128B dated 2/2/00, by Inactive Gang Task Force, indicates S should be retained as an active member of the "Black Guerrilla Family" (BGF) prison gang, and is eligible for review in 2004. **Committee acts to retain SHU INDET and refer to CSR with recommendation for PBSP SHU based on his validation as a member of the "BGF" prison gang.** DDP Review: Not required. S has no cellmate, and Committee notes the "S" custody suffix has previously been applied. **Committee acts to retain the "S" suffix because S has not successfully completed the compatibility review for double celling in PBSP SHU.** Case Factors. S is a 49-yr-old, Black, 3rd-termer, received by CDC on 8/30/85, from Santa Clara County, for the offense(s) of Murder 1st, with non-controlling offense of ASLT on a P/O, receiving a total term of 25 Years to Life. Received at PBSP on 4/3/01, from DVI-RC, as an out-to-court returnee (Santa Clara County), for SHU/INDET placement. S is not foreign born. There are no holds, escapes, arsons or sex offenses noted. Disciplinary Overview: Most recent CDC 115 is dated 4/19/00, for Refusal to Obey a Direct Order; previous CDC 115(s) received for ASLT on Staff, Fighting (x3), Adverse Comments, Out of Bounds, Altered Activity Card, and Unauthorized Talking. Medical status: Full duty. TB code is 32 per CDC 128C dated 8/7/01. Psych concerns: CDC 128C dated 4/4/01, clears S for SHU placement per Madrid court order criteria. Commitment offense meets criteria for MDO referral per PC 2962. Education: High school diploma. CDC 812 lists enemies. GangTIP: Validated member of the "BGF" prison gang, with AKA(s) of "Bazine," and "Rafiki." Confidential folder noted and reviewed. Last legal residence was in Santa Clara County. Registration/notification/testing requirements: PC 296 (B/S). S does not meet 270-design criteria due to the following exclusionary factors: SHU placement within the last three (3) years. CCRC/CCF/Camp/MSF/Restitution Center: Ineligible due to current SHU placement. Restitution is not required. S is advised, via this chrono, of Committee's decision and his right to appeal, and that this Committee constitutes his 1st Level of Review for appeal purposes. Next reclass scheduled in 6/2002, for 180-Day Review.

CASE FACTORS REMAIN THE SAME UNDER CCI 5/1/02.

CHAIRPERSON: R. KIRKLAND/CDW(A)

T. JOURDEN/FC

M. PEÑA/CCI

D. COSTILOE/LCSW

RECORDER: G. ATER/CCII

Committee Date: 12/12/01

(PEÑA/jw)

Classification

FAC-D ICC/REVIEW

Inst: PBSP

State of California

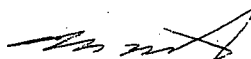
Department of Corrections
CDC 128-G

No. D-16530

NAME: SHAMBURGER

Comment: PBSP-SHU endorsed to serve an Indeterminate SHU term. CS = 125.

SHU Indeterminate retention endorsed per ICC action of 12/12/01. Inmate remains a threat to the security of the institution by his continuing association with a prison gang engaged in a criminal conspiracy against the safety of others. CDC 128-B-2 of 8/26/95 is noted. CDC 128B dated 2/2/00 is also noted. All referenced documents are present in the file, properly annotated and properly disclosed. LIFE Prisoner Status is noted. Next BPT hearing currently scheduled for 11/2001. Madrid chrono of 4/4/01 noted. CDC 812 is noted. Confidential file is noted.



M. Scott, CSR

Date: 1/16/2002

Classification - CSR ACTION

PBSP